UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,955	06/02/2000	Stephen Francis Bush	RD-26,450/USA	5231

6147 7590 03/15/2006	EXAMINER	
GENERAL ELECTRIC COMPANY	WONG, BLANCHE	
GLOBAL RESEARCH		
PATENT DOCKET RM. BLDG. K1-4A59	ART UNIT	PAPER NUMBER
NISKAYUNA, NY 12309	2667	

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/584,955	BUSH, STEPHEN FRANCIS
	Examiner	Art Unit	
	Blanche Wong	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>14-18 and 20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>14-18,20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Upon further examination, the allowability of claims 14-18 and 20 has been

withdrawn. Examiner sincerely apologizes for any inconvenience.

Claim Objections

2.   Claim 14 is objected to because of the following informalities: inconsistency.

Claim 14, line 14, replace – said code – with "said executable code" as in line 9 and 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 14-18,20** are rejected under 35 U.S.C. 102(e) as being anticipated by

Mitchell (previously cited) [emphasis added].

With regard to cl. 14, Mitchell discloses a method for dynamically configuring

(dynamic allocation, col. 6, ln. 8; a core set of programming is typically delivered

to the aircraft regardless if requested or not by a client computer, col. 6, ln. 11-13;

some webpages are replaced automatically, col. 6, ln. 16) a satellite (satellite is 1.

a celestial body that orbits a planet or 2. an object launched to orbit Earth or

another celestial body, American Heritage Dictionary, 4th Ed.) to communicate over

a network (aircraft satellite communications system, see Fig. 2 and 3) comprising at

least one earth station (back-channel 280 and ground stations 284 together; see

also network operations center NOC 230; see also Fig. 2) and at least one satellite

(the satellite system 270,271,250,240 in Fig. 2 = aircraft network server in aircraft

and satellite together) in accordance with an OSI reference model (Internet uses

TCP/IP, Ethernet) (the aircraft computer network includes a network server 271

that distributes Internet service and other data services in the aircraft 250 over an

Ethernet or serial data bus 273, col. 6, ln. 57-59), the method comprising:

transmitting (NOC sends the Internet service and other data services to a

satellite, col. 5, ln. 57-58; the satellite is used with the aircraft, col. 5, ln. 48-49) an

object from an earth station (NOC) to a satellite (satellite), said object comprising data

(URL request instructs the data content aggregator 220, col. 5, ln. 43-44)

conforming to at least one protocol (URL request, col. 5, ln. 43) (it is Examiner's

position that URL request would include TCP/IP) and comprising executable code (a

unique address code associated with a URL, col. 5, ln. 40) (it is Examiner's

position that URLs are webpages of HTML code) for implementing said protocol at

said satellite;

receiving (uplinking to a direct broadcast satellite 240, col. 5, ln. 46) said

object at said satellite;

extracting **(the internet service data from the satellite receiver 264 is passed ... to an aircraft computer network 270 ... includes a network server 271 that distributes Internet service ..., col. 6, ln. 53-62) (it is Examiner's position that Internet service would require retrieval and thus extraction of executable code)** at least said executable code from said object at said satellite;

temporarily storing **(it is Examiner's position that updating and replacing automatically, col. 6, ln. 15-16, would include some temporary storage or buffering or memory)** at least said executable code in memory at said satellite;

dynamically reconfiguring **(dynamic allocation, col. 6, ln. 8; a core set of programming is typically delivered to the aircraft regardless if requested or not by a client computer, col. 6, ln. 11-13; some webpages are replaced automatically, col. 6, ln. 16)** the satellite to support the OSI reference model **(Internet, Ethernet) (the aircraft computer network includes a network server 271 that distributes Internet service and other data services in the aircraft 250 over an Ethernet or serial data bus 273, col. 6, ln. 57-59)**; and

executing **(a unique address code associated with a URL, col. 5, ln. 40) (it is Examiner's position that URLs are webpages of HTML code)** said executable code for implementing at least one layer (network layer) of the OSI reference model, including adapting said network layer for at least one of internet protocol **(TCP/IP is network protocol)** and asynchronous transfer mode protocol.

With regard to claim 15,16,17,18, Mitchell discloses the method according to claim 14 and it is inherent that OSI has seven layers, including physical and data link, network, transport, and application layers respectively.

With regard to claim 20, Mitchell discloses the method according to claim 14 and the step of executing said executable code includes at least one of the steps of data fusion **(divided, col. 8, ln. 54) (it is Examiner's position where there is division of very large files, there is fusion of the pieces to read the very large files)** and packet dropping **(absent, col. 8, ln. 50)**.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
        Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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BW
March 6, 2006

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